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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 7 March 2008 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the letter of the Chairman of the Committee dated 17 October 2007, has the honour to transmit to the Committee additional information relating to the reports of Viet Nam on the implementation of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 7 March 2008 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Committee

Socialist Republic of Viet Nam

Additional information to Viet Nam's country reports on the implementation of resolution 1540 (2004) of the United Nations Security Council

With regard to the request in the letter dated 17 October 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) to the Permanent Representative of Viet Nam to the United Nations (New York), Viet Nam would like to reply as follows:

1. Viet Nam reaffirms its consistent position to strongly support disarmament and non-proliferation, non-production, non-development and non-use of weapons of mass destruction (WMD) of any type and their means of delivery. Viet Nam strongly commits not to provide any form of assistance to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

2. Viet Nam therefore strongly supports the principles of resolution 1540 (2004) and strictly observes its requirements. In Viet Nam, all kinds of weapons are controlled by the State; individuals are not permitted to possess or use weapons, except for sport and hunting guns. Individuals who wish to possess and use sport and hunting guns are required to register their guns with the competent agencies. Weapons, and their related materials (including weapons of mass destruction), are categorized as special goods and their production, acquisition, transport and trade are prohibited. Besides legislations and regulations applicable to all types of weapons, Viet Nam introduces other regulations to control weapons of mass destruction, including their related materials. In addition, Viet Nam actively accedes to non-proliferation international conventions and strictly complies with its commitments. In implementing the requirements of international conventions, Viet Nam has made progress and will continue to amend, supplement, remove or promulgate its domestic legislations. It suffices to say that the law itself and law enforcement in Viet Nam have been effective in terms of management and use of weapons; there has been no act of transfer of weapons to non-State actors. Viet Nam will continue to strengthen its legal system in this area so as to ensure firmly that weapons available in Viet Nam are used for the right purpose of safeguarding sovereignty, territorial integrity, national security and social order and do not fall into the hands of non-State actors and criminals.

3. Viet Nam provided the Committee with information about its strict implementation of resolution 1540 (2004) in its country report in 2004 and its additional report in 2005. Viet Nam has updated laws and regulations regarding the non-proliferation of weapons of mass destruction, related materials and their means of delivery in keeping with the principles of resolution 1540 (2004) as follows:

- Viet Nam adopted in 2005 the Law on Environmental Protection, which regulates biological, chemical and nuclear safety.

The draft Law on Atomic Energy is being submitted to the National Assembly for its consideration and adoption in 2008. The goal of this Law is to specify measures for the safety and development of activities using atomic energy for peaceful purposes, and against the use of atomic energy for other purposes that impede national interests and rights and legitimate interests of organizations and individuals or that create bad effects on human beings and the environment.

The Prime Minister of the Socialist Republic of Viet Nam issued Instruction 25/2007/CT-TTg on terrorism prevention in new situations, including measures to control crimes of illegal transport and smuggling of weapons, explosive materials, radioactive substances and various kinds of weapons of mass destruction.

The Ministry of Science and Technology issued Circular 05/2006 TT-BKHCN, dated 11 January 2006, providing guidance on the procedures of notification, registration and licence issuance to radiation-related activities. Directive No. 13/2006/CT-BKHCN dated 7 June 2006 on the enhancement of State management of safety and security of radioactive sources, and Decision No. 17/2007/QD-BKHCN dated 31 August 2007, on the promulgation of the Regulation on categorizing radioactive sources for security requirements.

Ministry of Health Circular No. 09/2001/TT-BYT dated 21 May 2001 was replaced by Circular No. 08/2006/TT-BYT dated 13 June 2006 and Circular No. 09/2006/TT-BYT dated 11 July 2006, on guiding the import of vaccines, medical and biological products, chemicals, insecticidal and germicidal preparations for domestic and medical use, and medical equipment.

In August 2006, the Minister of Science and Technology sent a diplomatic note to the International Atomic Energy Agency agreeing to accede to the Code of Conduct on the Safety and Security of Radioactive Sources. In fact, most of the Code of Conduct's requirements for the safety management of radioactive sources are being implemented in Viet Nam in accordance with the Ordinance on Radiation Safety and Control. To further incorporate the Code of Conduct into Viet Nam law after its accession, the Prime Minister of the Socialist Republic of Viet Nam issued Decision No. 115/2007/QD-TTg of 23 July 2007, on the Regulations on ensuring the security of radioactive sources, and Decision No. 146/2007/QD-TTg of 4 September 2007, on the promulgation of regulations on the recovery and handling of orphan radioactive sources.

The following decisions have been made by the Ministry of Agriculture and Rural Development of Viet Nam:

- Decision No. 10/2006/QD-BNN dated 10 February 2006 regulating registration procedures for production, importation, circulation of veterinary drugs, materials for veterinary drug production, biological products, micro-organisms and chemicals for veterinary use;

- Decision No. 45/2006/QD-BNN dated 6 June 2006, promulgating the additional list of vaccines, biological products, micro-organisms and chemicals for veterinary use, which are permitted for circulation in Viet Nam in 2006;

- Decision No. 23/2007/QD-BNN on the list of plant protection drugs allowed to be used, not allowed to be used and allowed to be used with limits in Viet Nam;

- Decision No. 60/2007/QD-BNN dated 19 June 2007, amending a number of contents related to plant protection drugs on the list of those permitted for use, promulgated together with Decision No. 23/2007/QD-BNN dated 28 March 2007, and making exceptional registration of drugs of biological origin on the list of plant protection drugs permitted for use in Viet Nam.

4. Viet Nam would like to reiterate the view that the Matrix of the 1540 Committee mainly facilitates the administrative operation of the Committee, since the current template has not correctly reflected non-proliferation commitments of countries. In addition, in compliance with international law, only non-proliferation enforcement agencies or mechanisms set up by these non-proliferation treaties (e.g. the periodic meeting of member States) have the authority to assess member States' implementation of their obligations under the treaties. Therefore, the information of these templates should not be posted on the Internet.

5. Moreover, Viet Nam would like to reaffirm its hard position that reviewing and resolving matters arisen during the implementation of resolution 1540 (2004) must be based on the following: respect for the Charter of the United Nations and international law, respect for national independence and sovereignty, non-interference into other countries' internal affairs, settlement of disputes through peaceful measures, and that the deterrence of WMD proliferation should not be abused to the extent that affects export-import activities as well as technological transference for peaceful purposes.

6. Regarding the Matrix of the 1540 Committee on Viet Nam, despite the view that these materials serve the administrative operation of the Committee, Viet Nam believes that it is its responsibility to comment that these documents have not fully incorporated the information provided by Viet Nam into its country report, submitted to the Committee in 2004 and its additional report submitted in 2005. The main points need to be amended, corrected are as follows:

- Item 2 on page 1 of the Matrix (General statement on commitment to disarmament and non-proliferation) should be marked with "x" as "yes".

- As for item 13 on page 2 of the Matrix (Other Conventions/Treaties), Viet Nam became a party to the Convention on Early Notification of a Nuclear Accident in October 1987 and to the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency in October 1987.

- On pages 3-4 of the Matrix, in items under the column heading "Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?", the question marks "?" now should be replaced with "x" as "yes".

- The items under the column heading "Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect ...", and "can violators be penalized?", as well as the items under the similar columns on pages 6-17 of the Matrix should be marked "x" as "yes".

– The Penal Code of Socialist Republic of Viet Nam (1999) and the Ordinance on Handling of Administrative Violations (2002) have provisions regarding those who participate, assist in, finance for persons or entities participating in activities related to WMD, and provisions related to the confiscation of means used for the commission of crimes or banned from the circulation by the State. Therefore, items 9, 10 and 11 (participate, assist in, finance activities relating to biological, chemical and nuclear weapons) on pages 3-5 of the Matrix should be marked "x" as "yes".

7. Viet Nam would like to provide the English version of the Law on Environmental Protection (2005) and is willing to provide all remaining legal documents listed above and other related ones. However, Viet Nam proposes that the Committee give financial support for the translation of these remaining documents into English.

8. The General Department of Customs of Viet Nam wishes to receive assistance in combating WMD and their related materials, as follows:

(a) A database system to keep track of those who exchange and sell weapons, and of terrorists; establish an up-to-date information technology system within and outside the Customs sector for compliance management, risk management and exchange of electronic data, so as to control most effectively the transport of WMD;

(b) Information on non-proliferation and terrorism prevention in general, and on transborder smuggling and transport of banned goods, and state crimes in particular;

(c) Opportunities to participate in conferences, exchange experiences between Viet Nam Customs and Customs of other countries, and international organizations in the non-proliferation field;

(d) Means to strengthen goods control and monitoring (such as video cameras, X-ray machines ...);

(e) Training in skills to detect, identify and control WMD and their related materials.

9. On this occasion, Viet Nam would like to reaffirm its commitment to disarmament and non-proliferation of weapons of mass destruction, including their means of delivery, and its willingness to promote cooperation with other countries in this field on the basis of respect for national sovereignty and territorial integrity, and international laws and mutual benefits.